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6 **UNITED STATES DISTRICT COURT**  
7 **DISTRICT OF NEVADA**  
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9 DAVID TIFFANY,

10 Petitioner,

11 vs.

12 STATE OF NEVADA, et al.,

13 Respondents.  
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Case No. 3:08-CV-00539-LRH-(RAM)

**ORDER**

15 Petitioner has submitted a Motion for Reconsideration (#18) pursuant to Rule 60(b) of the  
16 Federal Rules of Civil Procedure. He disagrees with this Court's dismissal of this action without  
17 prejudice for the failure to exhaust his available state-court remedies. His contentions are more  
18 appropriate for appellate review than a motion for reconsideration. See McCarthy v. Mayo, 827  
19 F.2d 1310, 1318 (9th Cir. 1987). See also Plotkin v. Pacific Tel. and Tel. Co., 688 F.2d 1291, 1293  
20 (9th Cir. 1982).

21 IT IS THEREFORE ORDERED that Petitioner's Motion for Reconsideration (#18) is  
22 **DENIED.**

23 DATED this 5<sup>th</sup> day of October, 2009.  
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26 LARRY R. HICKS  
27 UNITED STATES DISTRICT JUDGE  
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